

# Cheltenham Borough Council

## Licensing Committee – 12 January 2017

### Local Government (Miscellaneous Provisions) Act 1982

#### Review of Street Trading Consent

#### Mr Adrian Wood t/a Woody's Fruit & Veg

#### Report of the Licensing Team Leader

#### 1. Summary and recommendation

- 1.1 Mr Wood has a street trading consent to sell fruit and vegetables from the High Street entrance to the Henrietta Street car park. **Appendix 1** shows the location of the trading pitch. Mr Wood has held a trading consent for that location since April 2016.
- 1.2 The trading location is a mixed used space with a mix of vehicular and pedestrian access. In July 2016 the council undertook a risk assessment of the location to assess its continued suitability for street trading. The risk assessment highlighted risks associated with the mixed use nature of the location. A copy of the risk assessment is attached at **Appendix 2**.
- 1.3 In addition, the location has also resulted in noise complaints from local residents, complaints about the use of Mr Wood's van restricting access to the carpark, the trading location restricting access to the bicycle racks located near the car park entrance and difficulties associated with commercial licences since Mr Wood is occupying Cheltenham Borough Council owned land.
- 1.4 As a consequence, officers considered it appropriate to seek a review of the suitability of this location for the purpose of street trading.
- 1.5 **The Committee can:**
- 1.5.1 **Decide to take no action in relation to this consent, or**
- 1.5.2 **Revoke the consent with immediate effect.**

## 1.6 Implications

Legal The Local Government (Miscellaneous Provisions) Act 1982 provides that a local authority can grant a trading consent for an individual within their area. Under the legislation consent can be granted for a period not exceeding 12 months. Consent must therefore be reviewed every 12 months. A local authority can apply reasonable conditions to the consent.

Any application should be considered in line with the Council's policy on Street Trading.

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## 2. Background

- 2.1 Mr Wood has held a trading consent for the location he is presently trading at since April 2016. The consent was issued following consultation in accordance with the normal procedures.
- 2.2 Since trading, the location has presented the council with a number of issues; these are outlined in paragraphs 1.2 and 1.3 above.
- 2.3 The choice of the present location was discussed with officers prior to making the formal application. Officers felt that the trading would positively enhance the area and that part of the High Street. However, the subsequent issues were not anticipated during the discussions.
- 2.4 Prior to his current location, Mr Woods had two trading pitches, one located on Church Street and another on the High Street. These locations were not suitable for the type of operation and as a consequence Mr Wood consolidated the two consents to trade from a single location.
- 2.5 The primary problem associated with the current trading location is the risks associated with the mixed used space.
- 2.6 Officers have been working with Mr Wood to explore solutions to the risks highlighted. The preferred option was to close the High Street entrance to the Henrietta Street car park to vehicles by blocking access using tree boxes similar to those on the High Street.
- 2.7 However, the proposed scheme caused a number of complications that have proven prohibitive, namely difficulties with establishing rights of way, excessive costs on the licence holder and the requirement to obtain planning permission.
- 2.8 Whilst the space continues to be accessible by both vehicles and pedestrians, officers consider the site to be unsuitable for continued use and as a consequence are recommending to the Licensing Committee that the consent for that particular location be revoked.
- 2.9 Officers are keen to stress that there is recognition of the fact that Mr Wood has been trading in Cheltenham for a long time and his trading does generate positive activity in lower High Street that enhances the area. Therefore officers are working with Mr Wood to find an alternative and more suitable location. Discussions are currently ongoing with Mr Wood and his agent to take this forward and we anticipate a new application to be made.

## 3. Officer recommendation

- 3.1 The officer recommendation is that this consent be revoked.

**Reason(s):** As set out in the body of this report.

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**Background Papers**

Service Records

**Case Officer**

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